



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 28, 1998

Ms. Kristi A. Taylor
Assistant City Attorney
Neiman & Barnes, L.L.P.
P.O. Box 777
Lewisville, Texas 75067

OR98-2517

Dear Ms. Taylor:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119078.

The City of Lewisville received a request for a police report involving an incident which occurred on July 10, 1998 at a named address. You state that the responsive information is offense report number 98-7670. You claim that the report is excepted from required public disclosure by section 552.101 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

You claim the requested report is excepted from disclosure under section 552.101 of the Government Code based on a right of privacy. Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses common-law privacy and excepts from disclosure private facts about an individual. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Therefore, information may be withheld from the public when (1) it is highly intimate and embarrassing such that its release would be highly objectionable to a person of ordinary sensibilities, and (2) there is no legitimate public interest in its disclosure. *Id.* at 685; Open Records Decision No. 611 at 1 (1992). After reviewing the submitted material, we believe that you must withhold the report in its entirety based upon common-law privacy. *Cf.* Open Records Decision Nos. 600 (1992), 440 (1986).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive style with a large, stylized "D" and "B".

Don Ballard
Assistant Attorney General
Open Records Division

JDB\nc

Ref: ID# 119078

Enclosures: Submitted documents

cc: Mr. Mike Barron
Computer Barron
2300 Highland Village Rd, #220
Highland Village, Texas 75077
(w/o enclosures)